

1 Jack Shaw (Bar No. 309382)
2 Email: jack.shaw@procopio.com
3 PROCOPIO, CORY, HARGREAVES &
4 SAVITCH LLP
5 1117 S. California Ave., Suite 200
6 Palo Alto, CA 94304
7 Telephone: 650.645.9019
8 Facsimile: 650.687.8326

9 Jacob K. Poorman (Bar No. 262261)
10 E-mail: jacob.poorman@procopio.com
11 PROCOPIO, CORY, HARGREAVES &
12 SAVITCH LLP
13 525 B Street, Suite 2200
14 San Diego, CA 92101
15 Telephone: 619.238.1900
16 Facsimile: 619.235.0398

17 *Attorneys for Plaintiffs*

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

20 THE NEXT VIETNAM PROJECTS
21 FOUNDATION, INC.; RADIX
22 FOUNDATION A/K/A VIETNAM
23 VETERANS FOR FACTUAL HISTORY;
24 SAIGON BROADCASTING
25 TELEVISION NETWORK, INC.; MY
26 VAN INTERNATIONAL, INC.; NAM
27 PHAM; CARINA OANH HOANG; DIEP
28 PHAN; TRONG PHAN; SON NGUYEN;
THANH PHUONG LE and MINH
NGUYEN,

Plaintiffs,

v.

KOSTER FILMS, LLC; FREDERICK
KOSTER, BT PRODUCTIONS, LLC and
BRIAN TOOKER,

Defendants.

FREDERICK KOSTER, an individual,

Counterclaimant,

v.

NEXT VIETNAM PROJECTS
FOUNDATION, INC., ET AL,

Counter-Defendants.

Case No. 8:22-cv-02130-JWH-DFM

**DECLARATION OF MINH
NGUYEN IN SUPPORT OF
PLAINTIFFS' MOTION TO
STRIKE DEFENDANT
FREDERICK KOSTER'S
COUNTERCLAIMS PURSUANT
TO CCP § 425.16**

Date: August 4, 2023
Time: 9:00 A.M.
Courtroom: 9D
District Judge: Hon. John W.
Holcomb
Mag. Judge: Hon. Douglas F.
McCormick

Complaint filed: Nov. 23, 2022

1 I, Minh Nguyen, declare as follows:

2 1. Except as otherwise noted, I have personal knowledge of the facts stated
3 herein and if called before this Court, I could and would testify competently thereto.
4 I submit this declaration in support of Plaintiffs' Motion to Strike Defendant
5 Frederick Koster's Counter Claims pursuant to CCP § 425.16.

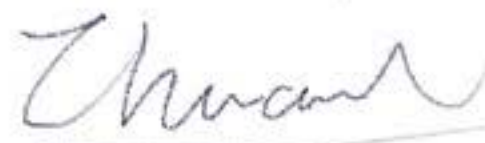
6 2. On April 22, 2021, I sent Defendant Fred Koster a cease and desist
7 email. A true and correct copy of my April 22, 2021 email is attached hereto as
8 **Exhibit A.**

9 3. On April 26, 2021, I sent BT Productions and Brian Tooker an email
10 requesting that he relinquish the interviews and related footage at issue in this suit,
11 and informing him that legal action would be pursued against him if he did not
12 comply. A true and correct copy of my April 26, 2021 email is incorporated and
13 attached hereto as **Exhibit B.**

14 4. On May 7, 2021, I sent a further cease and desist email to Mr. Koster
15 and Mr. Tooker. A true and correct copy of my May 7, 2021 email is attached hereto
16 as **Exhibit C.**

17 5. I understand that Defendant Koster alleges that I sent "DMCA copyright
18 take down notices" in April 27, 2023. I assume the reference to "2023" is a typo and
19 that Defendant Koster intended to refer to DMCA notices I sent in 2021. I did send
20 DMCA takedown notices regarding the film at issue in this action in 2021, but have
21 not sent any such DMCA takedown notices since 2021.

22
23 I declare under penalty of perjury under the laws of the United States that the
24 foregoing is true and correct, and that this declaration was executed on this 6 day
25 of July 2023 in San Mateo, California.

26 

27
28 Minh Nguyen